

REMARKS

In the Office Action,¹ the Examiner rejected claims 1-7 under 35 U.S.C. § 102(e) as being anticipated by U.S. Publication No. 2003/0188306 to Harris et al. ("*Harris*"). Applicant respectfully traverses the rejection.

In order to properly establish that *Harris* anticipates Applicant's claimed invention under 35 U.S.C. § 102, each and every element of each of the claims in issue must be found, either expressly described or under principles of inherency, in that single reference. Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim." See M.P.E.P. § 2131, quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). Applicant submits that *Harris* does not teach or suggest each and every element of Applicant's claims.

Independent claim 1, as amended, calls for a combination including, for example, "the first communication device transmits a result to the network server . . . , the result being obtained by executing the application on the first communication device." *Harris* fails to disclose at least this claim element.

The Examiner alleges that the central system 12, site controller 16, and gaming machines 14 of *Harris* correspond to Applicant's claimed "network server", "first communication device," and "plurality of second communication devices," respectively. See Office Action, pp. 2-3. Applicant respectfully disagrees and notes that, in any

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

event, *Harris* fails to disclose “the result being obtained by executing the application on the first communication device,” as further recited in claim 1.

Harris discloses “one or more gaming devices . . . receiv[ing] an executable software image . . . [from] the central system.” *Harris*, para. [0006]. In *Harris*, “[t]he central system . . . sends the . . . message [containing the software image] to the site controller” (*Harris*, para. [0026]) and then “download[s] . . . [the software] image from the site controller to the gaming machine[s]” (*Harris*, para. [0031]). *Harris* further discloses that “acknowledge signals [are transmitted] from the site controller [to the central system] to ensure that . . . [the software image] is received by the site controller.” *Harris*, para. [0029]. The Examiner alleges that such disclosure in *Harris* corresponds to the claimed “result being obtained by executing the application on the first communication device,” as recited in amended claim 1. See Office Action, p. 3. However, *Harris* discloses that “[o]nce the [software] image has been successfully transferred to the device, the [software] image can be executed.” *Harris*, para. [0035]. Therefore, the “acknowledge signals” of *Harris* are sent to the central system 12 after downloading the software image but before the software image is executed on the site controller 16. Accordingly, the “acknowledge signals” merely acknowledge a download of the software image by the site controller 16, but do not indicate a result of the execution of the software image by the site controller 16. See *Harris*, para. [0029]. Thus, the “acknowledge signals” in *Harris* cannot constitute a teaching or suggestion of “the result being obtained by executing the application on the first communication device,” as recited in claim 1 (emphasis added).

For at least the reasons stated above, *Harris* fails to disclose "the first communication device transmits a result to the network server . . . , the result being obtained by executing the application on the first communication device," as recited in claim 1 (emphasis added). Therefore, *Harris* fails to anticipate claim 1.

Furthermore, independent claim 3 recites "executing the application on the first communication device" and "transmitting a result . . . to the network server . . . , the result being obtained by said executing." Therefore, claim 3, although different in scope from claim 1, is allowable over *Harris* for at least reasons similar to those stated above for claim 1. In addition, dependent claims 2 and 4-7 are allowable over *Harris* at least by virtue of their dependence from allowable base claims 1 and 3, respectively. Accordingly, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of claims 1-7 under 35 U.S.C. § 102(e) as being anticipated by *Harris*.

Conclusion

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration of this application and the timely allowance of the pending claims.

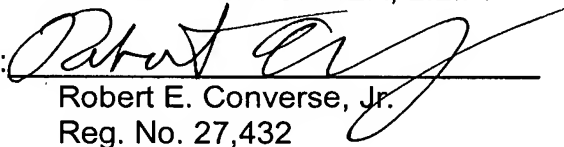
Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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By:


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